

REMARKS

Non-elected claim 7 has been canceled to advance prosecution. Should any divisional application be filed, applicants will rely upon the protections afforded by 35 USC 121.

The rejection of claims 1 and 4 under 35 USC 102 as anticipated by Close et al. '865 is respectfully traversed.

The Examiner takes the position that Close et al. '865 discloses that the catalyst may be deposited on the catalyst support before or after being mounted in a casing, citing column 5, lines 36 to 43 of the reference. Applicants respectfully disagree that the reference contains such a teaching and submit that one of ordinary skill in the art reading the reference and the objectives discussed therein would understand, accept, and appreciate that no product was formed having opened ends "wherein the ceramic honeycomb structure is fixed beforehand within the metal case by the holding member" as required by instant claim 1. Close et al. '865 clearly is directed to an in situ foaming process during the course of the manufacture of the refractory catalyst supports described therein. It is respectfully submitted that the disclosure at least at column 1, lines 9 and 10 and 36 to 39; column 2, lines 27 to 30, 39 to 41,

43 to 45 (where "Advantageously" should read "Practically") and lines 46 to 51; column 3, lines 55 to 60; column 4, lines 63 and 64; and column 5, lines 43 to 46, so shows. It is also noted that the discussion of the formation of the material in column 5 is by way of prophetic example rather than an actual working example. The reference does not contemplate or embrace what applicants claim.

If the ends of the Close et al. '865 device are not closed, foaming of the sheet material could not be achieved in a required manner. The Examiner is asked to imagine how difficult it would be to foam when both ends of the housing case are open.

The portion of the reference cited by the Examiner merely suggests that a ceramic honeycomb can be used as a catalyst support and the honeycomb is loaded with a catalyst. The reference, we submit with respect, establishes that the honeycomb structure can be fixed only when the foaming step is completed after both ends of the case are closed. While the ends of the housing case are open in Close et al. '865 in order to house the honeycomb structure at that stage, the structure is not yet firmly fixed.

Applicants point out, moreover, that should one carry out loading (deposition) of the catalyst after fixing the mounted

honeycomb, a considerable amount of catalyst would be wasted because the portion other than the honeycomb within the canned space would also be impregnated (or coated) with a catalyst slurry. As such, it is respectfully submitted that a person of ordinary skill in the art would not interpret the Close et al. '865 teaching to embrace an article as claimed herein wherein the metal case has two opposing fully open ends and yet the ceramic honeycomb structure is fixed beforehand within the metal case by the holding member. The rejection should be withdrawn.

The rejection of claims 2 to 6 and 8 under 35 USC 103 as unpatentable over Close et al. '865 in view of Machida et al. '079, the rejection of claims 1, 4, and 6 under 35 USC 103 as unpatentable over Merry '397 in view of Close et al. '865, the rejection of claims 2, 3, 5, and 8 under 35 USC 103 over Merry '397 in view of Close et al. '865, the rejection of claims 2, 3, 5, and 8 under 35 USC 103 as unpatentable over Merry '397 in view of Close et al. '865, further in view of Machida et al. '079, the rejection of claims 1 to 4 and 6 under 35 USC 103 as unpatentable over Langer et al. WO '144 in view of Close et al. '865, and the rejection of claims 5 and 8 under 35 USC 103 as unpatentable over Langer et al. '144 in view of Close et al. '865 further in view of Machida et al. '079 are all respectfully

traversed. Each rejection includes Close et al. '865 as a reference. The deficiencies of that reference have been discussed in detail above and none of the other references overcome what is missing from Close et al. '865. Accordingly, the rejection should be withdrawn.

The provisional rejections of the pending claims for obviousness-type double patenting over claims of co-pending application Serial No. 09/604,666 in view of Close et al. '865 (as to claims 1, 4, and 6) further in view of Machida et al. '079 (as to claims 2, 3, 5, and 8) are also respectfully traversed. These rejections as the prior art rejections discussed above include Close et al. '865 as a basis for rejection. Applicants have pointed out previously why the reference is not proper here and the rejections should be withdrawn as well.

Serial No.: 09/701,430

The Examiner is requested to telephone the undersigned should anything further be required in the case prior to allowance.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.



Charles A. Wendel

Registration No. 24,453

October 29, 204

Date

CAW/ch

Attorney Docket No.: WATK:204
PARKHURST & WENDEL, L.L.P.
1421 Prince Street
Suite 210
Alexandria, Virginia 22314-2805
Telephone: (703) 739-0220